
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement
LSA Document #13-24

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to this Rule:

75 shooting preserve license holders that will need to meet the requirements for signs in [312 IAC 9-10-22](#).

20 businesses that may need a migratory bird depredation permit due to property damage or public health or safety concerns from a migratory bird in [312 IAC 9-10-23](#).

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

There will be only a one-time cost and no annual costs for small businesses that are licensed shooting preserves to comply with the requirements for signs in [312 IAC 9-10-22](#) unless the signs are taken down after the season and reinstalled or if a sign is lost or damaged and needs to be replaced.

There will be an annual report required for migratory birds taken under a migratory bird depredation permit in [312 IAC 9-10-23](#) and to complete a renewal application. Estimated costs are \$15 per year per business (\$10 per hour and 1.5 hours per year to complete the paperwork).

Estimated Total Annual Economic Impact on Small Businesses to Comply:

Shooting preserve license holders will have an annual cost of approximately \$50 to replace signs that are lost or damaged in order to maintain compliance with [312 IAC 9-10-22](#).

Businesses that have a migratory bird depredation permit will have an annual estimated cost of \$15 per year per business (\$10 per hour and 1.5 hours per year to complete the paperwork).

Justification Statement of Requirement or Cost:

State law in [IC 14-22-31-6](#) requires a rule to specify requirements for signs for shooting preserve license holders. These provisions are the same as those for signs under the dog training ground permit in [312 IAC 9-10-16](#), and several shooting preserve license holders already have dog training ground permits. Signs are already required by state law in [IC 14-22-31-6](#). Only the writing on the signs are the new requirements.

Because of the statutory change in [IC 14-22-6-2](#) that removed the exemption for federal permit holders from having to get a state permit, rule language is needed to specify requirements for taking nuisance migratory birds. This permit would deal with nuisance migratory birds such as woodpeckers, vultures, and other species that are causing damage to property or are posing a health or safety threat, and will be free of charge. With the issuance of a state permit, the DNR would have the ability to specify the methods of control and species and number of birds taken. The DNR would also have knowledge of who has a permit to take a migratory bird. These individuals already have to obtain a federal migratory bird depredation permit. Therefore, they will already have to complete an application form and annual report for the federal permit.

Regulatory Flexibility Analysis of Alternative Methods:

State law in [IC 14-22-31-6](#) already requires shooting preserve license holders to post signs every 500 feet and requires a rule to specify the requirements for the signs. The DNR can modify the requirements for the signs, but these requirements are the same as for dog training ground permit holders in [312 IAC 9-10-16](#), and several shooting preserve license holders have dog training ground permits.

State law in [IC 14-22-6-2](#) requires an individual to have a permit from the DNR to take a migratory bird, and this rule specifies the requirements for a migratory bird depredation permit to take a bird that is causing damage to property or causing a public health or safety threat. The DNR could exempt businesses from needing a migratory bird depredation permit to take migratory birds that are causing a nuisance, but the business will still need a federal permit to take the bird. This state permit is free of charge and will only have minimal administrative costs. The annual report submitted to the U.S. Fish and Wildlife Service for the federal permit can be used for the state permit reporting requirement, and can be submitted by fax, e-mail, or regular mail. Furthermore, without a state permit, the DNR would not have any knowledge of the taking of the birds (and the DNR could get reports of birds being killed), control over the methods used, species that can be taken (since some state endangered species are not federally threatened or endangered), or number of birds that are taken.

Posted: 09/25/2013 by Legislative Services Agency

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